

### Remarks/Arguments

#### 35 U.S.C. § 102

##### Claims 4-11

Claims 4-11 were rejected as being anticipated by Bach (U.S. Patent No. 2,570, 304). The applicant disagrees for the reasons articulated below and in view of the amendment to claim 4.

Claim 4 was amended to add the following limitation: “wherein an inlet area of the set increases as fluid depth increases”. Support for this limitation comes from the figures, and from the third full paragraph on page 3 which states, “In another embodiment the present invention comprises a flow limiting inlet structure comprising a set of one or more baffles adapted to inhibit the flow of surface materials through the baffle set, wherein the inlet area of the baffle set increases as fluid depth increases.”

Bach teaches a system for removing suspended solids from liquids. The system of Bach includes a central pipe which has “conical members” secured to it (column 4, lines 57-60). The examiner considers these conical members to be equivalent to the baffles of claim 4, however, the conical members in Bach do not have an inlet area that increases as fluid depth increases. It can be observed from the figures in Bach that each baffle is successively equidistant from the central pipe. Therefore, the inlet area, if there is any, does not increase. On the other hand, Figure 1C exemplifies the increase in inlet area by showing baffles that are of greater distance from the discharge riser as the fluid depth increases.

Since Bach fails to disclose the element of “an inlet area that increases as fluid depth increases, claim 4 is not anticipated by Bach.

### **Claim 3**

Claim 3 was rejected as being anticipated by Batson (U.S. Patent No. 5,800,715). The applicant disagrees for the reasons articulated below and in view of the amendment to claim 3.

Similar to Bach, Batson teaches conical members. These conical members taught by Batson, however, do not surround a discharge riser as amended claim 3 requires. The applicant would like to point out that conduits 96, 98, and 100 in Figure 12 of Batson cannot be said to be analogous to a discharge riser because fluid that enters these conduits does not discharge through the outlet as with the discharge riser.

Additionally, Batson fails to disclose an inlet area of the baffle set that increases as fluid depth increases. The examiner has referred the applicant to column 8, lines 5-10 to find this element, however, that portion of Batson teaches that conical members can be larger or smaller. The claim does not refer to the size of the baffle, but rather to the inlet area. Just because conical members get larger, that does not mean that the inlet area increases. In fact, Figure 12 shows different sized baffles with the same size inlet area. The examiner has also referred the applicant to column 10, lines 1-5 but that portion of Batson has nothing at all to do with the inlet area.

### **Claims 1 and 2**

Claims 1 and 2 were also rejected as being anticipated by Bach (U.S. Patent No. 2,570, 304) or in the alternative as being obvious over Bach in view of Clarke. The applicant disagrees for the reasons articulated below and in view of the amendment to claim 1.

Amended claim 1 recites a baffle set wherein an inlet area of the set increases as fluid depth increases. As discussed above with reference to claim 4, Bach does not disclose this element. Thus, Bach fails to anticipate claim 1 and its dependent claim 2.

With regard to the combination of Bach and Clarke, the examiner has not provided any suggestion or motivation to combine, however, even if the teachings could

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be combined, the combination still does not teach the element of an inlet area that increases as the fluid depth increases. Accordingly, claims 1 and 2 are not made obvious by the combination of Bach and Clarke.

**Conclusion**

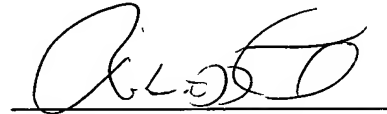
Based on the failure of the references to disclose, or in the alternative teach or suggest, each and every limitation of the independent claims, the applicant maintains that all claims are in condition for allowance.

Respectfully submitted,

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